

**City Council of the City of New Castle**  
**Regular City Council Meeting**  
**Town Hall, 201 Delaware Street, New Castle**  
**Tuesday, October 13, 2015 at 7:00 p.m.**

**Call to order:** 7:00 p.m.

**Roll Call:**

Councilperson Megginson  
Councilperson Vannucci  
Council President Ratchford  
Councilperson Petty  
Councilperson Di Mondì

Also present:

William Barthel, City Administrator  
Donald Reese, Mayor  
Janet Carlin, City Treasurer  
Daniel Tjaden, Police Chief  
Daniel Losco, City Solicitor  
Jeff Bergstrom, Building Official & Fire Marshall  
Kathleen Walls, Finance Coordinator

**Approval of Minutes by Date:** 9/8/15 Regular Meeting; and **Approval to Accept Staff Reports** as submitted.

Councilperson Vannucci Motioned and Councilperson Petty seconded approval of the Minutes and Staff Reports without changes. **The motion passed unanimously.**

**Approval of Treasurer's Report:**

City Treasurer Janet Carlin reported on the balances of the city's accounts as of September 30, 2015. The total cash on hand in all accounts is \$4,673,187.80.

Councilperson Petty Motioned and Councilperson Vannucci seconded approval of the Treasurer's Report as presented. **The motion passed unanimously.**

**Report from the City Administrator & Staff:**

City Administrator Barthel provided an update on the construction of the pier:

In April of 2015, the City received final approval from DNREC to move forward with construction. City Engineer David Athey created the bid package in May which was distributed in June and due by July 1. The City received bids from Duffield Associates and Pennoni Associates which were evaluated independently by Kevin Donnelly and Andy Bowman from the Conservation District, Dave Athey from AECOM and New Castle City Engineer, and Jeff Bergstrom, City of New Castle Building Official. As a result of those evaluations, Duffield Associates was selected and contract negotiations started. In August, the City and Duffield Associates came to an agreement with the assistance of the City

Solicitor. In early September, a meeting was held with the funding sources, DEMA and FEMA to make sure everything is being done correctly. Duffield Associates continued the process of putting together the final design. The bid package for construction should be distributed on or around November 1<sup>st</sup> with final bids received by the end of November. Construction is expected to begin in December. As long as the river doesn't freeze, the pilings can be put in through the winter. There is a moratorium from mid-March until July for driving pilings. The City has received \$800,000 from the State to fund the process to date. Mr. Barthel is cautiously optimistic that the work will be completed on time.

Councilperson Vannucci asked for the final cost. Mr. Barthel advised that won't be known until the construction bids are returned in November.

Councilperson Di Mondì wanted to review design before approving money but was advised that the design was previously approved by Council.

Police Chief Tjaden reported:

- The body discovered near the railroad tracks behind the shopping center was a suicide.
- The woman found at the Airport Plaza BJs is not believed to be a homicide.
- Several drug arrests were made this month.
- The Police Department will offer hayrides on October 28<sup>th</sup> starting in Dobbinsville.

#### **Council Communications:**

Councilperson Megginson reported that resurfacing of Route 9 has restarted between Llangolen and Federal Lane. The MSC is checking branch water mains. Drainage is now working well at Washington Street and the project is almost complete.

#### **Business from the Mayor:**

Mayor Reese reported:

- The Mayor was pleased to see new faces that he has never seen at a City Council Meeting. He reminded everyone that volunteers are always needed for the events in town.
- The Mayor declared the Fireball Run a success and hopes they return next year.
- The River Towns Ride & Festival between New Castle and Delaware City was rescheduled to October 31<sup>st</sup> due to weather.

#### **Business from the Council President:**

President Ratchford reported:

- The City is creating the 2016 calendar.
- The President asked for and received approval from Council to move the November 8, 2016 meeting to Wednesday, November 9 due to the conflict with Election Day.

#### **Business from the Floor (concerning agenda items only):**

Alice Riehl of 4<sup>th</sup> Street asked if there is a FEMA deadline for completion of the pier construction and Mr. Barthel replied that it must be completed by November 15, 2016.

Jeff Davis of 2<sup>nd</sup> Street advised Council that he is against the proposed tax amnesty because it rewards bad behavior. He asked for stronger enforcement through the use of liens and sales on

the Court House steps. Councilperson Di Mondì stated that the reason for his proposal is that tax amnesty was granted to another group and needed to be broadened for fairness. Overall, Councilperson Di Mondì believes the penalty rate needs to be reduced.

Terry Gormley of 2<sup>nd</sup> Street asked if there is a time constraint on the State funds for building the pier and President Ratchford responded that there is not.

**Motion, Discussion and Vote on Resolution 2015-43** recognizing Officer Paul D. Allston and his Canine, Cooper and Officer John T. Pullin for their efforts in assisting a homeless family.

The **Motion** to consider Resolution No. 2015-43 was made by Councilperson Vannucci and seconded by Councilperson Megginson.

President Ratchford read the resolution.

Councilperson Vannucci expressed his appreciation for the Officers response in this specific case as well as their overall efforts.

**Resolution No. 2015-43 passed unanimously.**

**Motion, Discussion and Vote on Resolution 2015-44** to honor the life of Ralph T. Wilson.

The **Motion** to consider Resolution No. 2015-44 was made by Councilperson Megginson and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

**Resolution No. 2015-44 passed unanimously.**

**Motion, Discussion and Vote on Resolution 2015-45** congratulating Retired New Castle City Police Chief Eugene C. Petty for his 2015 Lifetime Community Certificate at the 19th Annual Freedom Fund Awards (Newark Delaware Branch NAACP.)

The **Motion** to consider Resolution No. 2015-45 was made by Councilperson Vannucci and seconded by Councilperson Megginson.

President Ratchford read the resolution.

**Resolution No. 2015-45 passed unanimously.**

Retired Chief Petty received a standing ovation. President Ratchford was pleased to honor the Chief for his service to the City and his life time achievements.

**Presentation of Proclamation in appreciation of City efforts to support Mount Salem Church Preservation, by Preservationist Josie Roy.**

Ms. Josie Roy thanked the residents and citizens for all that was done to support the preservation of Mt. Salem Church on East Fourth Street. She stated the work isn't done and

will continue. The installation of the Historic Marker is just the beginning. Ms. Roy asked that everyone work along with church to continue the preservation work. Information on upcoming meetings will be supplied to the New Castle Weekly. She thanked the Police and City Council for their support.

Ms. Roy read a proclamation from Thomas P Gordon, New Castle County Executive regarding the Mt. Salem United Methodist Church and the installation of the Historic Marker.

### **New Business**

**Motion, Discussion and Vote on Resolution No. 2015-46** to approve a nomination to the Historic Area Commission: Council Appointment to fulfill the unexpired term of Michael Quaranta by Jean Norvell.

The **Motion** to consider Resolution No. 2015-46 was made by Councilperson Megginson and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

**Resolution No. 2015-46 passed unanimously.**

President Ratchford took the opportunity to provide an update on the revision of the HAC Guidelines. The City Solicitor and Building Official are currently reviewing the ordinance. There will be a public hearing process.

### **Presentation: Ten Ideas for Improving the Visitor Experience, by Russ Smith.**

City Resident Russ Smith worked for 42 years for National Parks mostly in Visitor Experience and was the first Superintendent of the First State National Park.

Mr. Smith stated that the City's greatest draw is history. Most of the City's previous visitors were local and regional. Now with the First State National Park, visitors will come from afar.

Mr. Smith explained that the Visitor Experience is the totality of experience from arrival to departure. Currently, the experience in New Castle is fragmented due to lack of coordination and leadership.

1. **Print Media/Brochures:** There are pre-visit and on-site brochures. Currently, the pre-visit brochure is a photocopy and doesn't provide a point of contact for further information. The on-site brochure provides no information on parking or contact information.
2. **Digital Media:** There is no single point of entry for online information. A Google search results in the City web site where links to other organizations can be found. The best web site is the New Castle Community Partnership but there is no email or phone number for further information.
3. **Highway Signage:** There are wayfinding signs on major highways. Funding comes from various sources and are in various states of implementation
4. **City Signs:** There are directional signs in some places for cars but very few for pedestrian wayfinding.

5. Parking: Where do we want visitors to park? Based on Mr. Smith's 42 years of experience, people will not walk from Chestnut Street. He suggested that some spaces on Delaware Street be reserved for visitors.
6. Clean Convenient Restrooms: It's the first thing visitors ask for and should be easily accessible, clean and safe.
7. On-site information/orientation: The City Administration Office is an unwelcoming setting and city employees have other things to do. The New Castle Historical Society has a visitor center, but pedestrian signs are needed to direct them there. They have a new overview video that is well done. It is not an overall visitor center for the City and hours are limited.
8. Availability: The historic sites are closed on Mondays and Tuesdays and most are closed from January through March.
9. Wayside Exhibits: Some are available providing maps and information. The New Castle Community Partnership is working on adding more exhibits to provide orientation and interpretation.
10. Leadership and coordination: There is a lack of leadership to provide overall coordination and planning. There is no positive direction in the City's Planning Document.

President Ratchford said the City will work on the brochures and the height of signs as well as form committees and call meetings to address the issues. Mr. Smith's presentation will be published on the City's web site.

**Motion, Discussion and Vote on Resolution No. 2015-47** to provide amnesty from 50% of the penalties for non-resident properties that pay delinquent tax obligations by 12/2/15 and discussion of tax collection processes.

City Administrator Barthel reported that tax collections year-to-date are slightly ahead of the budget projections for the full year. The City is prepared to send penalty letters for delinquencies but is waiting for the results of this resolution to provide amnesty.

President Ratchford reported that the City is currently working on the delinquent tax collection procedures to use clearer wording and to send the notices in a timely manner.

City Administrator Barthel reported that delinquent commercial property taxes are approximately \$189,509 with three owners accounting for 39.8% of the total due.

President Ratchford clarified that the proposed amnesty is for 50% of the penalties owed. There is no reduction in the tax due.

Mr. Barthel believes the Amnesty Program for residential properties was a success with about \$20,000 collected. He stated that the City doesn't want to take people out of their homes or make the City responsible for those properties. The Amnesty Program is similar to the one offered by New Castle County except that the County program provides 100% amnesty and the City is offering 50% amnesty of penalties.

The **Motion** to consider Resolution No. 2015-47 was made by Councilperson Di Mondì and was not seconded. **Resolution No. 2015-47 failed.**

**Councilperson Di Mondì withdrew his Motion, Discussion and Vote on Resolution No. 2015-48,** a resolution to ban operation of drones by individuals or law enforcement within City of New Castle airspace.

The City Solicitor stated the drones involve a privacy issue due to the ability to attach a camera. There are no State or Federal regulations. Dozens of cities and municipalities have similar regulations as a means of protest and urgency for regulation.

The Police Chief stated that the Police Department purchased a drone for less than \$2,000 through a Grant. It has been used four times. A policy for the drones similar to the one for New Castle County will be adopted. The Police have met with Airport personnel regarding use of the drone.

The four uses were:

- To take pictures of a dike at the request of City Building Official Jeff Bergstrom to access phragmites
- To make a videotape for a jury at the request of the Court
- To film a crime scene at BJ's
- To look at a backyard in response to a from code enforcement complaint that repairs were being done behind a fence

To use the drone, the Police must have supervisor approval. There is only one Officer that can operate the drone. The Airport must be notified and it must stay under 400 feet. They will use the drone for search and rescue.

Councilperson Di Mondì asked if there was a search warrant to look in the backyard. The Chief responded that none was needed.

Councilperson Di Mondì asked how many cops and police cars can be eliminated.

Councilperson Vannucci said that calling in the State Police Helicopter to search for a missing person is expensive. The drone can replace the helicopter in those situations. It will not replace any police officers.

**First Reading of Ordinance 503; an Ordinance to revise and restate Chapter 172 of the New Castle Code, regarding the restriction of trailer parking.**

The purpose of the ordinance is to respond to complaints about trailers parked on City Streets. The current code has limits on size that don't permit the City to address complaints.

President Ratchford read the ordinance.

**Motion, Discussion and Vote on Resolution No. 2015-49** to approve an Encroachment located at 224 and 226 East Second Street.

Jeff Bergstrom, City Building Official explained the buildings at 224 and 226 East Second Street are on the line of the road right-of-way and their porches are approximately 6 feet into the right-of-way. The variance has been included in previous drawings but was not formally approved and recorded.

The **Motion** to consider Resolution No. 2015-49 was made by Councilperson Megginson and seconded by Councilperson Vannucci.

President Ratchford read the resolution.

**Resolution No. 2015-49 passed unanimously.**

**Approval of the 2017 Separation Day Grant-In-Aid local service application.**

President Ratchford announced that the City will apply for Grant and Aid funding for Separation Day as the City does every year.

**Discussion regarding the reestablishment of the New Castle Crier Newsletter, where MSC and Trustees will fund the printing costs and the City will provide “in kind” service of writing and designing the letter.**

Councilperson Megginson thinks it sounded like a good idea and Councilperson Petty agrees. The President directed City Administrator Barthel to work on it.

**Comments from the Floor**

Roger Clark of W 4<sup>th</sup> Street asked if the taxes are delinquent for more than one year. The City Administrator replied that the delinquencies are for multiple years. The City doesn't want to own the properties. At a quarterly meeting, a decision is made on what properties need focus to avoid going to Sheriff's Sale. If properties don't sell at the Sheriff's Sale, the City has to take possession and reuse or sell it. Councilperson Di Mondì stated that 50% of what is due is from three owners.

Judi Baldini of South Street wanted to publicly thank Russ Smith for his presentation and sharing his expertise.

Valerie Windle Leary of Harmony Street asked who the three property owners are that owe delinquent taxes. The City Solicitor advised the City not to offer the information but stated that it is a matter of public record. Anyone can look it up.

The **Motion to adjourn** was made by Councilperson Petty, seconded by Councilperson Vannucci and **passed unanimously**. Council adjourned at 8:34 pm.

Council met in Executive Session to discuss personnel matters.

Respectfully submitted,

Janet Wurtzel  
Clerk of the City of New Castle